



Application

Narrative

Cash Transmittal

Development Standards

# Abandonment

## Development Application Checklist



### Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately and may result in additional fees. A Development Application that is received by the City is not complete until it is verified that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- The General Plan
- The Scottsdale Revised Code, including the Zoning Ordinance
- Stipulations of any Development Application approved before this application is submitted
- Scenic Corridor Design Guidelines
- Transportation Master Plan and related local plans
- The Design Standards & Policies Manual

If you have any questions regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page 4 of this application.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

**When Items 1 through 17 are ready for submittal, call **480-312-7767** to schedule a submittal meeting with a Planning Specialist; provide your pre-application number: 327 -PA- 2017.**

### Digital Submittal:

For applications submitted digitally, please follow the plan and document submittal requirements below. All files shall be uploaded in PDF format. Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11. A digital submittal Key Code is required to upload your documents and will be provided by your coordinator.

Key Code: 2524C

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

### SUBMITTAL REQUIREMENTS

Req'd	Rec'd	Documents required for a complete application. Unless otherwise indicated, all documents shall be provided in an 8 1/2" x 11" format.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Abandonment Development Application Checklist (this checklist)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <u>2385.00</u> (subject to change)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Development Application Form (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Application Narrative <ul style="list-style-type: none"> <li>• Reason for request</li> <li>• Consideration for Abandonment</li> <li>• ④ copies</li> <li>• ① digital copy</li> </ul>

### Planning and Development Services

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## Abandonment Development Application Checklist

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>5. Affidavit of Authorization to Act for Property Owner</b> (form provided; required only for non-city-owned property) <ul style="list-style-type: none"> <li>• Required when the applicant is not the property owner</li> <li>• Required when the applicant is an organization</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>6. Consideration for Abandonment Information</b> (valuation for area of abandonment)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>7. Legal Description and Graphic of Area(s) to be Abandoned</b> <ul style="list-style-type: none"> <li>• Include required reservations on both legal description and graphic</li> <li>• Comply with all Maricopa County Recorder requirements, including minimum 10-point font, ½" clear borders and acid free paper</li> <li>• <u>6</u> copies</li> <li>• ① digital copy</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>8. Title Insurance Commitment</b> (form provided: Requirements for Submitting Evidence of Title to the City of Scottsdale Planning Department) <ul style="list-style-type: none"> <li>• Include Schedule A and B</li> <li>• Commitment shall be dated no later than 30 days before application submittal.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>9. Utility Consent Letters</b> (See the City website for contact information: <a href="http://www.ScottsdaleAZ.gov">www.ScottsdaleAZ.gov</a> and search: utility contact)
<input type="checkbox"/>	<input type="checkbox"/>	<b>10. Request to Submit Concurrent Development Applications</b> (form provided)
<input type="checkbox"/>	<input type="checkbox"/>	<b>11. Photo Exhibit of Existing Conditions: Printed digital photos on 8-1/2"x11" Paper</b> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - ① copies of the set of prints</li> <li>• <u>See attached Existing Conditions Photo Exhibit</u> graphic showing required photograph locations and numbers.</li> <li>• 8-1/2" x 11" - ⑪ copies of the set of prints (<b>Delayed submittal</b>). At the time your Project Coordinator is preparing the public hearing report(s), he/she will request these items, and they are to be submitted by the date indicated in the request.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>12. Aerial Photo with Proposed Site Plan Overlay</b> (all photos must be suitable for reproduction) <ul style="list-style-type: none"> <li>• 24" x 36" – ② color copies, <u>folded</u></li> <li>• 11" x 17" – ① color copy, <u>folded</u></li> <li>• 8 ½" x 11" – ① color copy</li> </ul> <p>Photo shall be the most recent available, and should not be more than 1 year old.  Site plan overlay shall show lot lines, tracts, easements, street locations and names, and surrounding zoning:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> 750-foot radius from site  <input type="checkbox"/> ¼-mile radius from site  <input type="checkbox"/> Other _____ radius from site </div>

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# Abandonment Development Application Checklist

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>13. Public Participation</b> <b>Step 1: Complete Neighborhood Notification</b> <p>Mail Neighborhood Notification 1st Class Letter to property owners &amp; HOAs within 750', the City's standard interested parties list, and to the City project coordinator at least 10 calendar days prior to formal application submittal (include the following information):</p> <ul style="list-style-type: none"> <li>• Project request and description</li> <li>• Pre-application number (xx-PA-xxxx)</li> <li>• Project location (street address)</li> <li>• Size (e.g. Number of Acres of project, Square Footage of Lot)</li> <li>• Zoning</li> <li>• Legal graphic</li> <li>• Applicant and City contact names and phone numbers</li> </ul> <p><b>Step 2: <u>City</u> will post public hearing signs and provide other public notification including:</b></p> <ul style="list-style-type: none"> <li>• Mailing out postcards to property owners within 750 feet</li> <li>• Publishing legal ad in newspaper</li> <li>• Posting case information on the City website</li> <li>• Posting on social media</li> <li>• Sending to email subscribers</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>14. Request for Neighborhood Group/Homeowners Association</b> (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>15. Request for Site Visits and/or Inspections</b> (form provided)
<input type="checkbox"/>	<input type="checkbox"/>	<b>16. Applicable Dedication Legal and Graphic Exhibits</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Drainage and Flood Control Easement and Provision for Maintenance</li> <li><input type="checkbox"/> Natural Area Open Space Easement Including Restored Desert</li> <li><input type="checkbox"/> Public Right-of-way Dedication</li> <li><input type="checkbox"/> Public Non-motorized Access Easement</li> <li><input type="checkbox"/> Public motorized Access</li> <li><input type="checkbox"/> Public Utility Easement</li> <li><input type="checkbox"/> Scenic Corridor Easement</li> <li><input type="checkbox"/> Sewer Line Easement</li> <li><input type="checkbox"/> Vehicular Non-Access Easement</li> <li><input type="checkbox"/> Waterline Easement</li> <li><input type="checkbox"/> Confirmation of Dedication</li> <li><input type="checkbox"/> Other Easement or Dedication: <ul style="list-style-type: none"> <li>• _____ copies</li> <li>• ① digital copy</li> </ul> </li> </ul>

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## Abandonment Development Application Checklist

<input type="checkbox"/>	<input type="checkbox"/>	17. Other:   
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If you have any questions regarding this application checklist, please contact your Project Coordinator.

Coordinator Name (print): Jeff Barnes Phone Number: 480-312-2376

Coordinator email: jbarnes @scottsdaleaz.gov Date: 2/11/19

Coordinator Signature: \_\_\_\_\_



If the Project Coordinator is no-longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.

This application needs a:

☒ New Project Number, or

☐ A New Phase to an old Project Number: \_\_\_\_\_

### Required Notice

Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services' One Stop Shop, or from the city's website:

<http://www.scottsdaleaz.gov/planning-development/forms>

Planning and Development Services

One Stop Shop

Planning and Development Services Director

7447 E. Indian School Rd, Suite 105

Scottsdale, AZ 85251

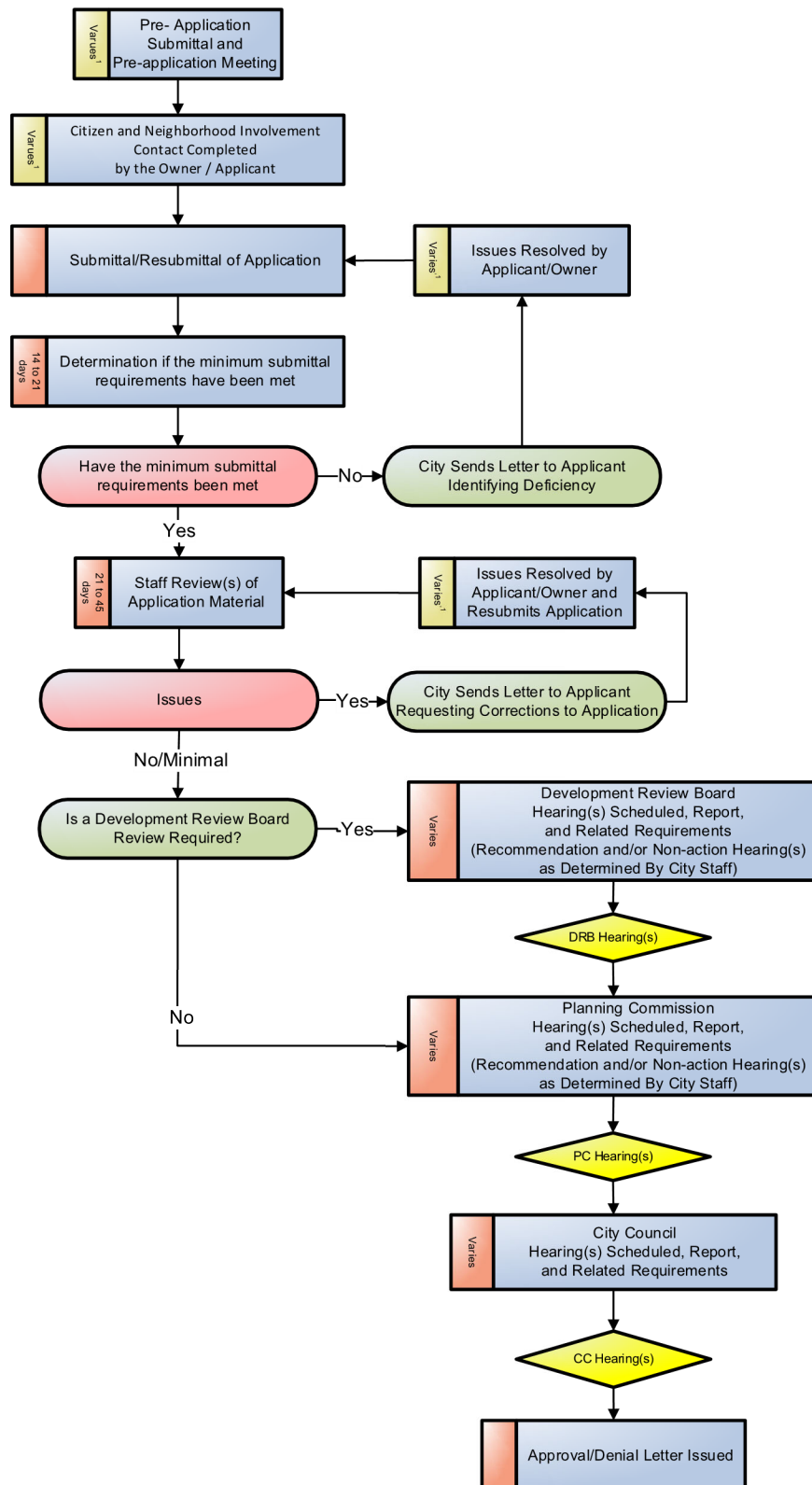
Phone: (480) 312-7000

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# Development Application Process

Abandonment (AB), Municipal Use Master Site Plan (UP), Infill Incentive (II), & Zoning District Map Amendment (ZN)



Note:

1. Time period determined by owner/applicant.

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# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning		Development Review		Signs	
<input type="checkbox"/>	Text Amendment (TA)	<input type="checkbox"/>	Development Review (Major) (DR)	<input type="checkbox"/>	Master Sign Program (MS)
<input type="checkbox"/>	Rezoning (ZN)	<input type="checkbox"/>	Development Review (Minor) (SA)	<input type="checkbox"/>	Community Sign District (MS)
<input type="checkbox"/>	In-fill Incentive (II)	<input type="checkbox"/>	Wash Modification (WM)	Other:	
<input type="checkbox"/>	Conditional Use Permit (UP)	<input type="checkbox"/>	Historic Property (HP)	<input type="checkbox"/>	Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance		Land Divisions (PP)		<input type="checkbox"/>	General Plan Amendment (GP)
<input type="checkbox"/>	Hardship Exemption (HE)	<input type="checkbox"/>	Subdivisions	<input type="checkbox"/>	In-Lieu Parking (IP)
<input type="checkbox"/>	Special Exception (SX)	<input type="checkbox"/>	Condominium Conversion	<input type="checkbox"/>	Abandonment (AB)
<input type="checkbox"/>	Variance (BA)	<input type="checkbox"/>	Perimeter Exceptions	Other Application Type Not Listed	
<input type="checkbox"/>	Minor Amendment (MA)	<input type="checkbox"/>	Plat Correction/Revision	<input type="checkbox"/>	

Project Name: \_\_\_\_\_

Property's Address: \_\_\_\_\_

Property's Current Zoning District Designation: \_\_\_\_\_

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner:	Agent/Applicant:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

<input type="checkbox"/>	<b>Enhanced Application Review:</b>	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/>	<b>Standard Application Review:</b>	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

## Planning and Development Services

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City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

# Development Application Review Methodologies



## **Review Methodologies**

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### **Note:**

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

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# Development Application

## Arizona Revised Statutes Notice



### **§9-834. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

## Request for Site Visits and/or Inspections

### Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: \_\_\_\_\_-PA-\_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

#### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

#### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

#### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

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Current Planning Services  
Long Range Planning Services

**NOTICE OF INSPECTION RIGHTS**  
**A.R.S. § 9-833**

**You have the right to:**

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
  - Receive copies of any documents taken during the inspection.
  - Receive a split of any samples taken during the inspection.
  - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

**You are hereby notified and informed of the following:**

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, \_\_\_\_\_  
at the following number \_\_\_\_\_.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

☐ Check box if signature refused

Copy of Bill of Rights left at: \_\_\_\_\_

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
  - 1. Present photo identification on entry of the premises.
  - 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
  - 3. Disclose any applicable inspection fees.
  - 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
  - 5. Provide notice of the right to have:
    - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
    - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
    - (c) Copies of any analysis performed on samples taken during the inspection.
  - 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
  - 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
  - 1. The rights described in subsection A of this section.
  - 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
  - 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
  - 1. At the time of the inspection.
  - 2. Notwithstanding any other state law, within thirty working days after the inspection.
  - 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
  - 1. Committed intentionally.
  - 2. Not correctable within a reasonable period of time as determined by the municipality.
  - 3. Evidence of a pattern of noncompliance.
  - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
  - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
  - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
  - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
  - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
  - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
  - 1. Shall not be used to exclude evidence in a criminal proceeding.
  - 2. Does not apply to a municipal inspection that is requested by the regulated person.

# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: \_\_\_\_\_
- b. County Tax Assessor's Parcel Number: \_\_\_\_\_
- c. General Location: \_\_\_\_\_
- d. Parcel Size: \_\_\_\_\_
- e. Legal Description: \_\_\_\_\_

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Date

Signature

_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

## Planning and Development Services

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## Requirements for Submitting Evidence of Title to the City of Scottsdale Planning Department



The City of Scottsdale planning department requires applicants for various zoning applications, building permits and other approvals to provide evidence of land ownership. Unless city staff directs otherwise, the required evidence shall be a title insurance commitment meeting the following requirements:

1. The applicant shall instruct the title insurance company to prepare a normal title insurance commitment.
2. The title commitment must cover the whole project site, just as if the city were a commercial real estate developer who was going to buy the whole site from whoever owns it today.
3. The title insurance commitment must be in the same form and have the same wording that the title insurer usually uses when a sophisticated real estate purchaser is buying land from a sophisticated seller. For example, it must not have any extra notes, disclaimers or other language that is not in a normal title insurance commitment for a straightforward land purchase.
4. The City of Scottsdale must be listed as the proposed insured.
5. The proposed insurance amount must be a reasonable estimate of the actual dollar value of the whole site. (The price for the most recent arms-length sale of the whole site is usually an acceptable amount.)
6. The Schedule B requirements must call for:
  - a. A deed from the current owner to the city.
  - b. Releases of all liens, as if the city were going to pay cash for the land and not assume any liens or take subject to any liens.
  - c. Termination of all leases. (Leases with 24 or fewer months remaining in their term may be listed in the Schedule B exceptions instead.)
  - d. Any other specific payments or specific document recordings that the title insurer would normally call for (such as payment of delinquent property taxes).
7. The Schedule B exceptions must show any other specific title matters that may exist.
8. Title companies sometimes state in their title commitments that they will update the title search before issuing a title insurance policy. That's o.k. if the language is clear that the update will only include new title documents that are recorded after the title commitment date. For example, it is o.k. to have wording that says: "Additional items may be added based on new documents recorded before closing." But there must not be vague wording such as this: "Check with title examiner for additional items before closing."
9. The title search date on the title commitment must be less than 30 days old.
10. Both "standard coverage" and "extended coverage" title commitments are acceptable. (The title information on an extended coverage commitment must be identical to the title information that would be on a standard coverage commitment. The only difference is that the Schedule B requirements for an "extended coverage" commitment will call for a survey and will allow the title company to add Schedule B exceptions or requirements for any problems the survey reveals.)
11. There is no need to open an escrow to make a routine dedication. The city will record the dedication directly without sending it through the title company. Often, the city will not actually buy the title insurance described in the commitment or require the applicant to buy it. But, if the city decides to do it (or require the applicant to do it), then the city or the applicant will follow up with the title insurer to pay the insurance premium and satisfy the Schedule B requirements so that the title insurer will issue the policy.
12. The applicant shall inform city staff in writing of any and all title changes that occur after the title commitment is issued.
13. The city reserves the right for city staff to require additional evidence of title, including but not limited to an extended title insurance policy in favor of the city.



# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input checked="" type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Hayden Virginia Townhomes

Property's Address: 2529 N Hayden Rd

### Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: Hayden Virginia LLC	Agent/Applicant: Kelly Lannan
Company:	Company: Hayden Virginia LLC
Address: 7520 E Angus Dr	Address: 7520 E Angus Dr
Phone: 480-947-6200 Fax: 480-947-6222	Phone: 480-947-6200 Fax: 480-947-6222
E-mail: ktl@azdelpueblo.com	E-mail: ktl@azdelpueblo.com
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

### Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)



# Development Application

## Review Methodologies



### Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

#### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

#### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### **Note:**

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

#### **Planning and Development Services**

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# Development Application

## Arizona Revised Statutes Notice



### §9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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# Request for Site Visits and/or Inspections

## Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 327 -PA- 2017

Project Name: Hayden Virginia Townhomes

Project Address: 2529 N Hayden Rd

### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: Kelly Lannan, Authorized Agent

Print Name

Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Rev. 02/02/2015



Current Planning Services  
Long Range Planning Services

**NOTICE OF INSPECTION RIGHTS**  
**A.R.S. § 9-833**

**You have the right to:**

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
  - Receive copies of any documents taken during the inspection.
  - Receive a split of any samples taken during the inspection.
  - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

**You are hereby notified and informed of the following:**

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, JEFF BARNES  
at the following number 480-312-2376

Signature: [Signature] Date: 03.25.19

Printed Name: KELLY LANNAN, AUTHORIZED AGENT

☐ Check box if signature refused

Copy of Bill of Rights left at: \_\_\_\_\_



A.R.S § 9-833. Inspections; applicability

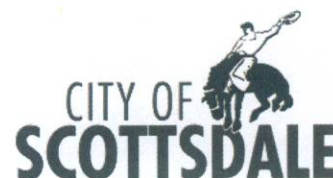
- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
  - 1. Present photo identification on entry of the premises.
  - 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
  - 3. Disclose any applicable inspection fees.
  - 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
  - 5. Provide notice of the right to have:
    - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
    - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
    - (c) Copies of any analysis performed on samples taken during the inspection.
  - 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
  - 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
  - 1. The rights described in subsection A of this section.
  - 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
  - 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
  - 1. At the time of the inspection.
  - 2. Notwithstanding any other state law, within thirty working days after the inspection.
  - 3. As otherwise required by federal law.



- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
  - 1. Committed intentionally.
  - 2. Not correctable within a reasonable period of time as determined by the municipality.
  - 3. Evidence of a pattern of noncompliance.
  - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
  - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
  - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
  - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
  - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
  - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
  - 1. Shall not be used to exclude evidence in a criminal proceeding.
  - 2. Does not apply to a municipal inspection that is requested by the regulated person.



# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 2529 N Hayden Rd
- b. County Tax Assessor's Parcel Number: 131-02-110B & N
- c. General Location: SEC of Hayden Rd and Virginia Ave
- d. Parcel Size: 2.42 acres
- e. Legal Description: SEE ATTACHED EXHIBIT A

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Kelly Lannan, Authorized Agent

Date

MARCH 25TH, 2019

Signature

## Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • [scottsdaleaz.gov](http://scottsdaleaz.gov)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL NO. 1**

That part of the Northwest quarter of Section 36, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of Section 36, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence South 00 degrees 24 minutes 00 seconds East, 1530.07 feet along the West line of said Section 36 to the POINT OF BEGINNING;

Thence North 89 degrees 36 minutes 00 seconds East, 265.00 feet;

Thence South 00 degrees 24 minutes 00 seconds East, 1129.28 feet parallel to the West line of said Section 36 to a point on the East-West mid-section line of said Section 36;

Thence South 89 degrees 45 minutes 20 seconds West, 265.00 feet to the West quarter corner of said Section 36;

Thence North 00 degrees 24 minutes 00 seconds West, 1128.56 feet along the West line of said Section 36 to the POINT OF BEGINNING;

EXCEPT the West 40 feet; and

EXCEPT the South 928 feet thereof; and

EXCEPT all minerals, ores and metals of every kind and character, and all coal, asphaltum, oil, gases, fossils and other like substances reserved in the Patent from the State of Arizona recorded in Book 160 of Deeds, page 355.

**PARCEL NO. 2**

That part of the West half of the Northwest quarter of Section 36, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at the Northwest corner of said Section 36;

Thence South 00 degrees 24 minutes 00 seconds East, 1392.07 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 36 minutes 00 seconds East, 65 feet;

Thence along a curve whose central angle is 90 degrees and whose radius point lies North 89 degrees 36 minutes 00 seconds East, a distance of 12.00 feet;

Thence North 89 degrees 36 minutes 00 seconds East, 73.00 feet;

Thence along a curve whose central angle is 09 degrees 04 minutes 10 seconds and whose radius point lies North 00 degrees 24 seconds 00 minutes West, 200.00 feet, a distance of 31.66 feet;

Thence along a curve whose central angle is 09 degrees 04 minutes 10 seconds and whose radius point lies South 09 degrees 28 minutes 10 seconds East, 200.00 feet, a distance of 31.66 feet;

Thence North 89 degrees 36 minutes 00 seconds East, 51.95 feet;



Thence South 00 degrees 24 minutes 00 seconds East, 155 feet;

Thence South 89 degrees 36 minutes 00 seconds West, 265 feet;

Thence North 00 degrees 24 minutes 00 seconds West, 138 feet to the TRUE POINT OF BEGINNING;

EXCEPT the West 33 feet of said West half of the Northwest quarter as set forth in the Patent from the State of Arizona recorded in Book 160 of Deeds, page 355; and

EXCEPT the East 7 feet of the West 40 feet of that portion of said West half of the Northwest quarter conveyed to Maricopa County in Quit Claim Deed recorded in Docket 2514, page 557; and

EXCEPT all minerals, ores and metals of every kind and character, and all coal, asphaltum, oil, gases, fossils and other like substances reserved in the Patent from the State of Arizona recorded in Book 160 of Deeds, page 355.

## Requirements for Submitting Evidence of Title to the City of Scottsdale Planning Department



The City of Scottsdale planning department requires applicants for various zoning applications, building permits and other approvals to provide evidence of land ownership. Unless city staff directs otherwise, the required evidence shall be a title insurance commitment meeting the following requirements:

1. The applicant shall instruct the title insurance company to prepare a normal title insurance commitment.
2. The title commitment must cover the whole project site, just as if the city were a commercial real estate developer who was going to buy the whole site from whoever owns it today.
3. The title insurance commitment must be in the same form and have the same wording that the title insurer usually uses when a sophisticated real estate purchaser is buying land from a sophisticated seller. For example, it must not have any extra notes, disclaimers or other language that is not in a normal title insurance commitment for a straightforward land purchase.
4. The City of Scottsdale must be listed as the proposed insured.
5. The proposed insurance amount must be a reasonable estimate of the actual dollar value of the whole site. (The price for the most recent arms-length sale of the whole site is usually an acceptable amount.)
6. The Schedule B requirements must call for:
  - a. A deed from the current owner to the city.
  - b. Releases of all liens, as if the city were going to pay cash for the land and not assume any liens or take subject to any liens.
  - c. Termination of all leases. (Leases with 24 or fewer months remaining in their term may be listed in the Schedule B exceptions instead.)
  - d. Any other specific payments or specific document recordings that the title insurer would normally call for (such as payment of delinquent property taxes).
7. The Schedule B exceptions must show any other specific title matters that may exist.
8. Title companies sometimes state in their title commitments that they will update the title search before issuing a title insurance policy. That's o.k. if the language is clear that the update will only include new title documents that are recorded after the title commitment date. For example, it is o.k. to have wording that says: "Additional items may be added based on new documents recorded before closing." But there must not be vague wording such as this: "Check with title examiner for additional items before closing."
9. The title search date on the title commitment must be less than 30 days old.
10. Both "standard coverage" and "extended coverage" title commitments are acceptable. (The title information on an extended coverage commitment must be identical to the title information that would be on a standard coverage commitment. The only difference is that the Schedule B requirements for an "extended coverage" commitment will call for a survey and will allow the title company to add Schedule B exceptions or requirements for any problems the survey reveals.)
11. There is no need to open an escrow to make a routine dedication. The city will record the dedication directly without sending it through the title company. Often, the city will not actually buy the title insurance described in the commitment or require the applicant to buy it. But, if the city decides to do it (or require the applicant to do it), then the city or the applicant will follow up with the title insurer to pay the insurance premium and satisfy the Schedule B requirements so that the title insurer will issue the policy.
12. The applicant shall inform city staff in writing of any and all title changes that occur after the title commitment is issued.
13. The city reserves the right for city staff to require additional evidence of title, including but not limited to an extended title insurance policy in favor of the city.

# 2529 N. HAYDEN TOWNHOMES



2529 NORTH HAYDEN RD. SCOTTSDALE, AZ 85257

## **DEVELOPMENT REVIEW NARRATIVE**

Submitted: August 11, 2017

2<sup>nd</sup> Submittal: October 31, 2017

## INTRODUCTION

Del Pueblo Communities is a proud South-Scottsdale based development company providing exceptionally sensitive, well-designed communities for more than two decades. True to the company's core values, Del Pueblo Communities is seeking Development Review approval to create yet another distinctive, quality, for-sale residential townhome community at the southeast corner of Hayden Road and Virginia Avenue, in south Scottsdale. This proposed 31-unit townhome community is planned for 1.8 acres of R-5 zoned land with a total gross density of 12.8 dwellings per acre.

Currently the site for Harper's Nursery and landscape materials storage, this site offers a fitting redevelopment opportunity in a prime location. This proposed townhome development is designed for a broad demographic, appealing to empty nesters, young families, and millennials who seek a contemporary and secure turn-key community. Located near shopping, employment, and entertainment, this urban enclave has a pedestrian friendly design with front entries along landscaped paseos and exclusive two-car garages accessed from private auto-courts. The five buildings consist of three-story townhomes designed with a variety of private outdoor living spaces on each level of the homes, with views of the open space and amenities.

A central pool and recreation area provides a gathering place for residents and guests and is a focal point from the main entrance on Virginia Avenue. A secondary egress location and emergency access point is located at the southern portion of the site, providing direct access to Hayden Road. The design is sensitive to the existing single-family homes located east of the abutting public alley. The proposed buildings are a minimum of 66' from the single-family property line and three of the five buildings provide an even greater setback. A landscape buffer of existing mature trees and new landscaping will create a lush buffer between the proposed townhomes and the existing homes.

## SITE & CONTEXT

The site consists of two parcels of land located at the southeast corner of the T-intersection of Hayden Road and Virginia Avenue. Virginia Avenue is a local collector road located one quarter-mile south of Thomas Road, and extends east from Hayden Road. The site has operated as a landscape nursery and outdoor storage for the past 50+ years, and began operations prior to most of the surrounding development. The area is well established with a mix of commercial, employment, and residential uses in close proximity. The site is bound by office uses on the north and south, 2 and 3-story multi-family apartment style homes on the west, with an alley and single-family homes to the east. Specifically, the adjacent uses and zoning are as follows:

- North: Dentist Office (S-R) and Hayden Villa Condominiums (R-5)
- East: 16' Alley ROW and Single-family Homes (Village Grove 13) (R1-7)
- South: Offices (S-R)
- West: Multi-family - Wilshire Place Condos, and Macallister Scottsdale (R-5)

The project is located within the Southern Scottsdale Character Area, which supports the City's desire to achieve a sustainable balance of appropriate land uses along transportation corridors, such as Hayden Rd. The General Plan land use designation for this site is Mixed-Use Neighborhoods, which support the

proposed density, character, and form planned for this site. The Southern Scottsdale Character Area Plan presents a vision for South Scottsdale to grow as a diverse, sustainable community built upon vibrant neighborhoods, thriving economic corridors and innovation businesses. The proposed townhome project will add to this sustainable future that celebrates neighborhoods and promotes reinvestment and redevelopment as guided by the following values:

- Reinvest in underutilized properties near Southern Scottsdale's corridors
- Provide diversity in the surrounding housing choices
- Create a sustainable neighborhood promoting social interaction and support the local economy
- Promote alternative transportation choices/options
- Enhance opportunities for open space and public gathering places
- Promote shaded, pedestrian and bicycle-friendly streets
- Proximity to planned Activity Area and Opportunity corridor

Through these values, Hayden Townhomes will assist in transforming the Southern Scottsdale vision into the built environment of the community. Additionally, this proposal will complement the surrounding area as a new and attractive housing option for the neighborhood. It will also utilize existing infrastructure investment and promote the community goal for quality infill development and reinvestment.

## **DEVELOPMENT REVIEW BOARD CRITERIA**

**1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.**

*Response:* The proposed 31-unit single-family attached townhome development is in substantial conformance with the current General Plan Land Use of Mixed-Use Neighborhoods. The Land Use Element describes this category as areas that can accommodate higher density housing with strong access to multiple modes of transportation with a focus on human scale development. Consistent with the Goals and Approaches of the Land Use Element, this use will support the following Citywide Land Use Policies and Local Land Use Relationships:

3. Encourage the transition of land uses from more intense regional and citywide activity areas to less intense activity areas within local neighborhoods.
4. Maintain a balance of land uses that support high quality of life, a diverse mixture of housing...
5. Develop land use patterns that are compatible with and support a variety of mobility opportunities/choices...
6. Promote land use patterns that conserve resources, such as land, clean air, water, and energy...
7. Sensitively integrate land uses into the surrounding physical and natural environments, the neighborhood setting, and the neighborhood itself.
9. Provide a broad variety of land uses that create a high level of synergy within mixed-use neighborhoods.

**2. The architectural character, landscaping and site design of the proposed development shall:**

**a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood**

*Response:* The site design reflects traditional neighborhood design principles with human scale pedestrian orientation, front porch garden entries, and rear-accessed garages. The building layout and architecture will enhance the surrounding environment with an inviting and articulated pedestrian streetscape along the abutting street frontages and an architectural style that complements the adjacent buildings on Hayden Road. Lush, low-desert themed landscape will be integrated with a meandering decorative view fence and pedestrian entries to create a seamless and intriguing streetscape experience. Exceptional setbacks and landscape buffers provide an effective transition to properties east of the existing alley.

**b. Avoid excessive variety and monotonous repetition;**

*Response:* The site plan utilizes a variety of building elevations with a consistent design theme. There are three different building configurations in this plan, with a total of five buildings. Each Townhome building consists of three separate floor plans and elevations. This variety in architectural configuration will project a varied, but unified aesthetic of colors and feature elements for this location.

**c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles**

*Response:* The architectural design responds to the desert climate through north/south solar orientation, and the implementation of deep window awnings and projections, recessed windows, and shaded balconies and porches. Elements such as durable siding and materials will be designed to hold up to the harsh sun and provide relief in hot summers. The open spaces, amenities, and balconies take advantage of Arizona's climate to promote year-round outdoor living.

**3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.**

*Response:* The entrance to the development is from Virginia Avenue, a collector street and ideal location for safe, controlled access to the site. Virginia Avenue is a fully improved T-intersection with Hayden Road. A secondary exit-only and emergency access is located at the southwest most corner of the site, providing direct (right-out only) access to Hayden Rd. The internal drive aisle is a private access way to three auto-courts extending west to access the "alley-loaded" garages. The south most auto-court also serves as an exit-only location and secondary emergency access to Hayden Rd.

The site is designed to promote safe pedestrian mobility over the personal automobile. All internal sidewalks provide direct access from each unit to the interior amenities and to the Hayden and Virginia street frontage sidewalks and transit stops.

**4. If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.**

*Response:* All mechanical equipment, appurtenances, and utilities will be screened by both the building parapet and associated site walls that are integral with the building and architectural design.



# **ABANDONMENT NARRATIVE**

Case No. 4-AB-2019

2529 NORTH HAYDEN RD,  
SCOTTSDALE, AZ 85257

HAYDEN VIRGINIA, LLC  
7520 E Angus Dr, Scottsdale, AZ 85251  
602-318-0034 | [ktl@azdelpueblo.com](mailto:ktl@azdelpueblo.com)  
Re-submitted: May 8, 2019



## **ABANDONMENT NARRATIVE**

Hayden Virginia, LLC, as owner of parcel number 131-02-110N, being one of two parcels making up the property located at 2529 N Hayden Rd, is seeking an abandonment from the City of Scottsdale of an existing 2-foot easement recorded in MCR Docket 10474, page 1328. This easement affects the western two feet of the parcel's entire eastern property line, which is adjacent to an existing alley. This abandonment is related to Case Number 33-DR-2017 which was approved by the City of Scottsdale on March 1<sup>st</sup> 2018.